

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 9, 2015

4:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Ryan Peterson, Fire Battalion Chief; Charlene Crozier, Library Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Paul Goodrich, Transportation Engineer; Sam Kelly, Engineer; Brandon Stocksdales, Long Range Planner; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder
EXCUSED	Tom Macdonald and David Spencer

UPDATE – Transportation Master Plan

Mr. Bell introduced John Dorny with Horrocks Engineers to present on the City of Orem Transportation Master Plan.

Mr. Dorny said he had been working closely with Orem staff on the master plan. His presentation was a synopsis of the study thus far and the direction it would go. He said it was important they complete the concept report before end of year to meet the deadline set by Mountainland Association of Governments (MAG).

City of Orem Transportation Master Plan

- Transportation Master Plan Process
 - Public Comment – Phase I and Phase II
 - Transportation Planning
 - Level of Service (Roads & Intersections)
 - MAG's Travel Demand Model: High Level Regional Analysis
 - Micro-simulation Model (VISSIM/Synchro):
 - Corridors and Intersections
 - Turn lanes
 - Signal timings
 - Capital Improvement Plan
 - High, Medium, Low Build Projects

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- Geneva Road and Lakeview Parkway Cross-Sections
- Traffic Calming Guidelines
- Traffic Study Guidelines
- Access Management Program
- Speed Limits Review
- Phase I Public Comment
 - Comments Received
 - Telephone Hotline
 - Website: <http://oremtmp.com>
 - Comment Categorization
 - Roadway and Traffic Signals
 - Parking and Transit
 - Pedestrian and Bike
 - All Comments Organized by Location
- Existing Functional Classification – map
- Road Segment Level of Service (LOS)
 - LOS C or better
 - 400 North
 - 400 East
 - LOS D
 - North State Street
 - Center Street
 - LOS E or worse
 - University Parkway
 - South State Street
 - 1600 North
- Existing Level of Service – map
- 2040 No-Build Level of Service (Existing Roadway Network with 2040 Traffic Volumes) – map
- MAG Regional Transportation Plan and UDOT Projects – map
- 2040 MAG/UDOT Projects Level of Service (1600 North) – map
- 2040 MAG/UDOT Projects Level of Service (Center Street) – map
- 2040 MAG/UDOT Projects Level of Service (800 East) – map
- 2040 MAG/UDOT Projects Level of Service (800 North) – map
- 2040 MAG/UDOT Projects Level of Service (University Parkway) – map
- 400 South/State Street – video
 - Without Turn Lane
 - With Turn Lane
- Capital Improvement Plan/Transportation Improvement Fund
 - Comments assist in decision making on future projects
 - Future projects organized into high, medium, and low impact based on cost and public impact
 - High Impact
 - High Cost
 - High Public Impact
 - ROW Acquisition

- Home Acquisition
 - Quality of Life
- Medium Impact
 - High Cost/Low Public Impact -OR-
 - Low Cost/High Public Impact
- Low Impact
 - Low Cost
 - Low Public Impact
 - Accepting Congestion
- Funding mechanism
 - Cost per household

Mr. Dorny reviewed the Transportation Master Plan Process. He said the MAG model was a regional model used along the Wasatch Front and was generally meant to be used for larger corridors rather than on the micro level. He said they would likely look at some streets on the micro level but not all streets. Once projects were identified, they would establish high, medium and low build projects as part of a Capital Improvement Plan, which would include the projected timeline and costs for those projects. Mr. Dorny said Orem had both City-owned roads and UDOT roads, and the UDOT roads were the major arterials. He explained the Level of Service (LOS) scale for grades A to F by comparing it to pipe flow. Most cities had adopted a LOS D as acceptable because it was so common. LOS D still allowed traffic to flow, but there was congestion. Reaching a LOS F would mean the pipe was too small and needed to be expanded to accommodate the higher volume. The traffic demand models looked at road segments reviewing road widths, number of lanes, shoulders, and other factors.

Mr. Goodrich said the model showed current conditions during evening peak hours. Some areas were shown as highly congested during those peak times, but were not at the same level of congestion throughout the day. This was the first part of the analysis that was reviewing whether or not the road was wide enough to accommodate traffic. They would go to a micro-analysis looking at issues like signal timing and turn lanes, and then using existing conditions try to anticipate congestion issues that would come with a doubled population.

Mr. Dorny said the no-build scenario would be choosing not expand or widen the roads, which changed the LOS on many roads from LOS C or D to LOS E or worse. He said it took a long time to get funding for large projects, which was why they were starting now to look toward 2040.

Mr. Davidson said the no-build scenario assumed the City and MAG would do nothing. If there were no dedicated resources to address ongoing issues then the no-build scenario would be all they could do, creating worst-case conditions over time. He said Orem already had some roads that would be considered “unacceptable” on the grade scale that needed to be addressed, and Orem was competing for the same federal funding as other municipalities in the region. Annexation areas would also have an impact on future conditions, and to Mr. Dorny’s point, projects that were ten or fifteen years in concept were being realized now.

Mr. Goodrich said it was important to look at other contributing or aggravating factors that lead to increased traffic, not street width only. Factors like medians and signalization needed to be

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considered. There were things that could be done on State Street, for example, to provide additional capacity without widening the street.

Mr. Dorny said some planned MAG/UDOT projects were for 1600 North, Center Street, 800 East, 800 North, and University Parkway. He showed current conditions and build conditions. With the amount of growth that was anticipated, some projects would still not meet acceptable standards according to the MAG model. A BRT system would address some of those issues.

Mr. Seastrand asked about intersection projects.

Mr. Goodrich said there were several intersection projects that would come with the widening of identified streets like University Parkway. He said all build scenarios were assuming the same kinds of patterns would continue. According to their counters on single-family residences, Orem drivers were making fourteen trips a day on average, which meant seven times vehicles left a single-family residence and returned. The national average was ten trips a day. If those patterns were to change and the number were to go down, then conditions could be better than current projections.

Mr. Andersen asked if the study factored for Orem resident traffic versus vehicles passing through.

Mr. Dorny said certain technology existed to make such a study possible, but it would be an extensive and likely costly study to conduct citywide.

Mr. Goodrich said Orem had roads that were recognized as regionally significant and so they received some state and federal funding. There were funding sources where Orem paid nothing or very little to maintain roadways, but most roads needed improvements beyond what those funding sources covered.

Mr. Dorny showed a micro-simulation model at 400 South and State Street that demonstrated the congestion that could be caused by not having a designated right turn lane at the intersection. With a right turn lane, congestion was lessened significantly at the intersection. He explained the basics of high, medium, and low impact build scenarios as part of the Capital Improvement Plan. The goal was to improve roads to reach better grades than a LOS D and have the appropriate funding to reach those goals.

Mr. Davidson said in future budget seasons as capital plans were developed, the Transportation Master Plan would become a tool used in some of those discussions. Some projects would be very expensive so decisions needed to be made about what to do with the funding available: complete one big project in one area, or a series of smaller projects to mitigate multiple problems. It would be important for the City to continue to rally MAG and to push for regional dollars available for those regionally significant corridors in Orem. Mr. Goodrich and Mr. Kelly met with MAG regularly to make sure MAG was aware of the significant needs in Orem.

Mr. Sumner asked about the timeline for the Transportation Master Plan.

Mr. Dorny said they were up to 40 percent of the way through the analysis, extracting models and extrapolating data. They hoped to be finished before November to qualify for MAG funding.

UPDATE – H.B. 362 – Road Maintenance Funding Options

Mr. Tschirki reviewed information regarding H.B. 362 and transportation infrastructure funding.

HB 362 – Transportation Infrastructure Funding

- Background
 - HB 362 **reforms** the motor fuel tax by converting it to a **sales tax on fuel** and provides an opportunity for counties to impose a **0.25% sales tax** on all sales (except food) dedicated to transportation. Cumulatively, if each county imposes the local option, HB 362 could provide nearly **\$200 million annually**.
- Gas Tax Reform
 - On January 1, 2016, the motor fuel tax will automatically change from 24.5 cents per gallon to a **12% sales tax per gallon**. The 12% rate is the equivalent of a **4.9 cent** motor fuel tax increase.
 - [$\$2.45 \times .12 = \$0.294 = \$0.245 + \0.049]
- Local Option: Sales Tax
 - The local option will be a **0.25% general sales tax** for counties, cities, towns, and transit systems. Within the 0.25%, cities and towns (and unincorporated counties) will receive 0.10%. Transit systems will also receive 0/10%. Counties will receive 0.05% in the areas with transit systems and 0.15% in the areas without transit systems.
- How Do Cities Get These Funds?
 - The **new motor fuel tax revenues will automatically come** to Orem via the B&C allocation process.
 - The **local option sales tax will be subject to county imposition and voter approval**. The county must impose and voters must approve the entire 0.25%. The county, city, town, and transit portions are “all in it together”.
- Local Option Timeline
 - HB 362 authorizes a county legislative body to impose a quarter cent sales tax
 - Voters in the county must approve the tax during a November election
 - A county must decide to put the tax on the ballot by late August
 - After voter approval, the county imposes the tax and provides notice to the Tax Commission
 - The Tax Commission needs 90 days to prepare the tax
 - The tax will be effective on the first calendar day of the new full quarter
 - Counties, cities, towns, and transit systems will start receiving funds 2-3 months later
- How Can Cities Spend This Revenue?
 - The municipal portion of the motor fuel tax reform and increase must be spent within class C right-of-ways according to existing law on class C revenues.
 - The local option sales tax may be spent on a larger range of transportation infrastructure. The municipal 0.10% portion may be spent on a class C road, pedestrian safety facility, active transportation facility, public transit, or multimodal transportation facility.
- Permitted Class C Uses

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- All construction and maintenance on eligible Class B & C roads (Utah Code 72-3-103 to 72-3-104)
- Enhancement of traffic and pedestrian safety including but not limited to:
 - Sidewalks, curb and gutter (on all eligible B & C roads and state highways)
 - Safety features
 - Traffic signals
 - Traffic signs
 - Street lighting
 - Construction of bicycle facilities in the highway right-of-way (Utah Code 72-8-101 to 72-8-105)
- Investments for interest purposes (interest to be kept in fund)
- Equipment purchases or equipment leases and rentals
- Engineering and Administration
- Future reimbursement of other funds for large construction projects
- Rights of Way acquisition, fencing and cattle guards
- Matching Federal Funds (Utah Code 72-2-110)
- Equipment purchased with B & C funds may be leased from the road department to another department or agency using schedule of Equipment Rates posted on the FEMA website at http://www.fema.gov/government/grant/pa/eqrates_2005.shtm
- Construction of road maintenance buildings, storage sheds, and yards. Multiple use facilities may be constructed by mixing funds on a proportional basis
- B & C funds can be used to pay the costs of asserting, defending, or litigating RS 2477 issues per HB 278 (2009)
- How Much Potential Revenue Could Orem Receive?
 - New Gas Tax: \$440,000
 - Local Option Sales Tax: \$1.64 million
 - Total: \$2.08 million

Mr. Tschirki said sales tax revenues would automatically come to Orem via the B&C allocation process. Every two months a deposit was made in the account for B&C road funds. On an annual basis the City received approximately \$2.4 million for those road funds. The local option sales tax could not be divided or parceled out for those cities that wanted it; everyone was either all in together or all out together. He said the County would likely put the issue on the ballot at the recommendation the majority of the population. The local option sales tax would be subject to county imposition and voter approval.

Mayor Brunst asked if the County Commissioners could decline to include the issue on the ballot, even if a majority wanted the local option sales tax.

Mr. Tschirki said they could choose not to include the issue on the ballot. The decision on whether to include the issue would need to be made in August.

Mayor Brunst said there would be a meeting of the Metropolitan Planning Organization Finance Committee with all the mayors in the county to put forth recommendations to the County Commissioners regarding the matter. He said Orem had a large retail sales tax base so

implementing the local option sales tax would have a great impact, bringing in approximately \$1.6 million annually.

Mr. Davidson mentioned that multiple cities had this same issue on their agendas this month.

Mr. Tschirki said the new gas tax would almost double the B&C road fund and would bring in approximately \$443,000. He clarified what local option sales tax revenues could be used for, and said the estimated potential revenue for Orem was approximately \$1.6 million. Combined they would bring in a total of just under \$2.1 million in revenue.

Mr. Seastrand asked what data was used to calculate the transportation funding shortfall.

Mr. Davidson said there was a form called the UT-2 form the City was required to file with the budget each year. With those UT-2 forms, a formula was applied to calculate the transportation funding shortfall for each municipality.

Mr. Tschirki said the General Fund had been helping with the road fund with about \$500,000 a year. That was not a sustainable option, as even those funds had diminished over the last five years. The local option sales tax revenue would go a long way to filling the void left during recession years where the City prioritized projects and prudently maintained roads and transportation systems that now were demanding attention.

Mr. Davidson said historically the City had used general obligation debt as a means to address a number of transportation concerns. As a community, Orem had chosen to obligate through additional property taxes by way of road bonds. With those road bonds, in addition to the proactive efforts of the Public Works department, the City had been able to keep up with road demands. A number of road bonds were set to expire in coming years, so the question was whether to follow the same strategy of going into debt to finance projects or move forward with this process with a dedicated revenue stream to avoid debt for transportation projects. The local option sales tax was a mechanism to charge all those who used Orem roads, not Orem residents only.

Mr. Sumner asked if the issue would be a “hard sell” on the ballot.

Mayor Brunst said each county was looking at the same proposition. If Salt Lake County moved forward putting the issue on the ballot it would likely push many other counties to move forward. He felt 2015 was the year to put the issue on the ballot because if it passed there would be an additional \$1.6 million to go toward transportation, and cities needed a sustainable funding source to keep roads up for the future.

Mr. Tschirki said he felt putting the issue on the ballot for voters to decide was the right thing to do.

5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst, Jr.

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ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Ryan Peterson, Fire Battalion Chief; Charlene Crozier, Library Director; Brandon Nelson, Finance Division Manager; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

Tom Macdonald and David Spencer

Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business – Vote By Mail 2015 Municipal Elections

Mr. Bybee said the Vote By Mail (VBM) option would allow people to cast their votes and send the ballot in. The total budget would be up to \$165,000 to account for the ballots and the return postage. The existing budget for a “traditional” election would be \$95,000. From research that had been done, cities using VBM options had seen a significant increase in voter turnout, in some cases over 100 percent increase. Orem voter turnout for municipal elections was low in recent years, and was projected to only reach about 17 percent this election. If VBM doubled the turnout, it would be approximately 35 percent. Lehi, Cedar Hills, and Logan were the cities looking at the VBM option this election. If the City did VBM but did not pay for the return postage it would save approximately \$30,000 but that would take away from the convenience for voters.

Mr. Sumner asked if the amount was the cost for primary only or both primary and general elections.

Mr. Bybee said it was for both primary and general elections.

Mrs. Black asked about the cost if voters brought the ballot in versus mailing it.

Mr. Bybee said only when the ballot was sent back through the mail would the postage fee apply. There would be a designated polling location where voters could hand ballots in instead of mailing them.

Mayor Brunst asked about deadlines to mail the ballot.

Mr. Bybee said the ballot would need to be postmarked at least two days before the election, but could walk the ballot in if they forgot to mail it. There would be a provisional ballot option as well on the election days. The City would send a voter information pamphlet that would detail the how and when aspects of mailing ballots.

Mr. Davidson shared the following percentages regarding the last three municipal elections:

- 2009 Primary = 8.1% turnout, General = 15.7% turnout
- 2011 Primary = 7.4% turnout, General = 16.4% turnout
- 2013 Primary = 17.5% turnout, General = 24.3% turnout

Mr. Bybee said Orem had never done a VBM election, but an indicator from the 2013 election was a greater push for absentee ballots (over 1,600 absentee ballots in that election) and that people were proactively requesting the convenience of a mailed ballot.

Mr. Andersen said his first thought about VBM was the cost of campaigning would go up for candidates. He wished the City would divide up into districts, and he thought it was difficult and more expensive for candidates to campaign to the whole city.

Mrs. Black said a VBM election would not change the way a candidate would campaign because regardless of going with VBM election or “traditional” election they would represent the whole city. She felt it was an advantage to represent the whole city.

The general consensus of the City Council was to move forward with Vote By Mail for the 2015 Primary and General Elections.

The Council adjourned at 5:56 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Ryan Peterson, Fire Battalion Chief; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

EXCUSED

David Spencer

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INVOCATION /

INSPIRATIONAL THOUGHT

Luke Peterson

PLEDGE OF ALLEGIANCE

Curtis Wood

APPROVAL OF MINUTES

Mr. Sumner **moved** to approve the May 26, 2015, City Council meeting minutes. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

Mayor Brunst **moved** to appoint Luke Peterson to the Public Works Advisory Commission. Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

Recognition of New Neighborhoods in Action Officers

There were no new neighborhood officers recognized.

REPORT – Senior Advisory Commission

Kay Bradford, commission chair, gave the annual report for the Senior Advisory Commission. She thanked Karl Hirst and Gena Bertelsen, Senior Friendship Center program director, for their dedication to seniors in the community and for all the hard work and effort they put into serving. Ms. Bradford said the 2014 average daily attendance at the Senior Friendship Center was 301 patrons, with 2,208 recorded active members. In 2014 they served 17,961 meals, went on 44 trips, and provided many classes including Tai Chi, ceramics, water coloring, line dancing, woodshop and more. The Senior Friendship Center had 86 volunteers serving more than 8,500 hours. There was always something to celebrate at the Senior Friendship Center, and she thanked the City for helping get new carpet there.

Ms. Bertelsen thanked the seniors for coming out and participating in the activities at the Senior Friendship Center. She said the woodshop was one of their strongest programs, and presented gifts of unique hand-carved pens made in the woodshop for the Mayor and City Council.

RECOGNITION – Water Environment Association of Utah (WEAU) Awards

Neal Winterton presented plaques honoring Orem employees and programs recognized at the 2015 Water Environment Association of Utah (WEAU) Awards. Mr. Winterton said there was a rigorous process evaluating the 60+ mechanical treatment plants throughout the state, so to be singled out for these awards was a great accomplishment. Orem received four awards: (1) Most Outstanding Biosolids Program award. For the past four years Orem had recycled 100 percent of biosolids, which was a beneficial service to the community and the environment. (2) The Outstanding Collections Operator award was given to Terrance Harris. This award only went to one collections officer throughout the state. (3) The Outstanding Maintenance Specialist award

was given to Lon Fulmer. Finally, (4) Orem received the Outstanding Water Reclamation Facility Award, the “best in show” equivalent, for the first time. Mr. Winterton presented that plaque to Lawrence Burton, the Water Reclamation Section Manager.

Mr. Burton said at the reclamation facility they had a saying, “a team is more than just a group of people.” He said these awards were recognizing a group effort, and it could not have been done without every one of their dedicated team members.

CITY MANAGER’S APPOINTMENTS

Appointments to Boards and Commissions

Mayor Brunst **moved**, under advice and consent of the Council, to appoint Jamie Davidson as an alternate to the Utah Infrastructure Agency (UIA) Board. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

There were no personal appearances.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING – City-owned Light Pole Signs

ORDINANCE – Amending Section 14-3-3 of the Orem City Sign Code as it pertains to signs on City-owned light poles

The Department of Development Services requested the City Council, by ordinance, amend a portion of Section 14-3-3 pertaining to signs on City-owned light poles.

Many City light poles along major roads were equipped with crossbars that allowed for the placement of banner signs. The City had traditionally placed banner signs on these light poles to promote community events such as Summerfest and the Storytelling Festival. Under the City’s sign ordinance, these City-owned light poles were limited to City speech and were not open to the public for general use.

The City had recently received substantial financial contributions for the 2015 Summerfest from local businesses which would allow the City to create a better Summerfest experience for the entire community. The City would like to recognize these businesses as sponsors of Summerfest on some of the City light pole banner signs. This would involve hanging banner signs with the

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sponsors' names on some of the light pole signs in addition to the traditional Summerfest banner signs.

In order to allow the City to recognize its Summerfest sponsors, the City proposed to amend the sign ordinance to allow off-premise advertising on City light pole signs. Under the current ordinance, off-premise advertising was generally prohibited unless specifically authorized by ordinance. The proposed amendment would create a very limited exception to the general prohibition of off-premise advertising and off-premise signs would likely only be used in connection with sponsorship of major community events such as Summerfest and the Storytelling Festival.

In this context, the City intended to include sponsor signs either interspersed with its traditional Summerfest (or Storytelling Festival) light pole signs or to include a sponsor logo as part of such signs. The City believed that the net effect would be the creation of an attractive signage display that would both enhance the Summerfest (and Storytelling) experience and create a visually appealing and festive atmosphere preceding and during such events. The type, nature, and frequency of off-premise advertising allowed on City light poles would be tightly controlled by the City to limit and prevent any negative aesthetic impact from such advertising.

Mr. Earl said this would be a very narrow modification to the sign ordinance to recognize sponsors of City events, and would be limited only to City-owned light poles for signs with City speech. This would not apply to any other type of sign.

Mr. Andersen asked if the City owned light poles around the Scera Park.

Mr. Davidson said the light poles in front of the Scera were owned by Rocky Mountain Power.

Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mayor Brunst **moved**, by ordinance, to amend a portion of Section 14-3-3 pertaining to signs on City-owned light poles. Mr. Sumner **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

ORDINANCE – Amending Section 12-5-12 of the Orem City Code pertaining to mobile vendors

The Department of Development Services requested the City Council, by ordinance, amend Section 12-5-12 pertaining to mobile vendors.

Mobile vendors (food trucks) had become increasingly popular in the City over the last few years. Under the current ordinance, food trucks were allowed to park on a public street or on private property where permission was given. Food trucks naturally would seek locations where large numbers of people congregated or passed by.

Recently, food trucks had discovered that the City's annual Summerfest event provided an attractive market. During the last Summerfest, food trucks parked on City streets immediately adjacent to the City Center Park where the Summerfest celebration was held. This resulted in a number of problems that the City would like to address.

First, food trucks occupied prime parking spaces that might otherwise have been used by patrons of Summerfest. Second, people interested in purchasing food from the food trucks congregated on the sidewalks while waiting in line and obstructed the large numbers of people trying to get to and from Summerfest activities. Third, the food trucks were taking advantage of an economic opportunity without sharing in the costs of putting on the event.

The City would authorize vendors to sell food during Summerfest provided they received a license to do so. Summerfest food vendors were required to pay a fee, have insurance and sign an agreement in which they agreed to abide by numerous conditions including keeping their selling space clean and free of debris. Authorized vendors were given a designated location within the City Center Park where they were authorized to sell food to Summerfest patrons. The fees paid by these vendors were used to help defray the costs of clean-up, security and other expenses associated with holding Summerfest.

Food trucks that parked on City streets adjacent to City Center Park would reap the same benefits as the authorized food vendors without bearing any of the same costs which would result in unfair competition and an additional financial burden to the City.

In order to eliminate the problems food trucks caused during Summerfest, Staff felt it was appropriate to amend Section 12-5-12 to require that mobile vendors not be allowed to park on a public street located within 1,000 feet of the City Center Park during the annual Summerfest event.

Mr. Earl said this proposed ordinance was to correct issues from the previous years where food trucks caused congestion issues with parking and pedestrian traffic and did not pay the same fees as authorized vendors to defray costs. Food trucks that were interested in becoming authorized Summerfest vendors were welcome to do so. The proposed ordinance would not allow mobile vendors to park within 1000 feet (approximately 1 ¼-1 ½ City blocks) of the City Center park during Summerfest.

Mayor Brunst asked how many authorized food vendors would be at Summerfest.

Mr. Tschirki said there were around thirty authorized food vendors.

Mr. Earl reiterated that food trucks interested in participating in Summerfest could become authorized vendors. The intent of the ordinance was not to exclude food trucks from participating in Summerfest, but to require that they be subject to a contract and assume the same burden the other vendors had agreed to.

Mr. Sumner asked how mobile vendors were notified of this proposed ordinance.

Mr. Bell said the City sent notification in the mail as well as emails to vendors with email addresses on file.

Mr. Andersen asked how many mobile vendors were at Summerfest the previous year.

Mr. Earl said he was not certain how many had been at Summerfest last year but said he got two phone calls regarding issues with mobile vendors, including one parked in the Senior Center parking lot. Food trucks were growing in popularity and they wanted to keep this from becoming a growing problem year to year.

Mr. Seastrand said he hoped there was fairness in this restriction on food trucks.

Mr. Davidson assured him that any food truck vendor interested in participating would be able to contact the City and obtain the proper permits to allow them as authorized vendors.

Mrs. Black **moved**, by ordinance, to amend Section 12-5-12 pertaining to mobile vendors. Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

RESOLUTION – Supporting the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation

The City Manager recommended that the Orem City Council, by resolution, support the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation.

On December 9, 2014, the City Council adopted resolution R-2014-0022 encouraging partnership with the State of Utah to address transportation funding. In that resolution, the Council supported creating new and changing existing funding sources for transportation improvements; investing in transit; and expanding the approved uses for transportation funding.

HB 362 was passed during the 2015 legislative session and was a broad approach to addressing part of the funding shortfall to meet the transportation needs of local governments throughout the state. The bill would help the City of Orem better preserve its current infrastructure and accommodate projected population growth.

There were two main provisions in the bill. One reformed the existing gas tax and another authorized a local transportation sales tax to allow for priority investments in roads, transit, and active transportation facilities at the local level. Together, funding currently generated for transportation improvements from transportation-specific sources for the city would increase by \$2.1 million, or 85% per year. It was estimated that this was still about \$1.1 million short of what was needed for long-term sustainability of the city's transportation system.

If approved, the local transportation sales tax option would give the City of Orem and other local governments additional funding to address their transportation needs. Counties were authorized to enact a 0.25% general sales tax for transportation subject to voter approval. The funds would be allocated as follows:

- 0.10% to the city (40% of the increase);
- 0.10% to UTA (40% of the increase);
- 0.05% to the county (20% of the increase).

The municipal 0.10% portion would be distributed according to the traditional 50/50 sales tax formula. The City's portion of this sales tax would increase the funding currently received from the state for transportation improvements by an estimated \$1.6 million, or 68%. The local option sales tax could be spent on a larger range of transportation infrastructure including class C roads, pedestrian safety facilities, active transportation facilities, public transit, or multimodal transportation facilities.

HB 362 authorized the Utah County Commission to impose a quarter cent sales tax and required voters in the county to approve the tax during a November election. There was no specific year requirement. A county would need to decide to put the tax on the ballot by late August so as to comply with state and federal election law. If voters approved the tax opinion question, the county would impose the tax and provide notice to the Tax Commission. The Tax Commission would need 90 days to prepare the tax. The tax would be effective on the first calendar day of the new full quarter. Counties, cities, towns, and transit systems would start receiving funds 2-3 months later. April 1, 2016 would be the first possible calendar day the tax could become effective. Revenues would be received in June/July of that year.

Mr. Davidson said the resolution before the Council at this meet was a follow-up to the resolution passed in December 2014. The purpose of the resolution was to encourage the County to include the issue for public consideration on the ballot for the November 2015 election. There was a specific schedule that must be followed and the County Commission had until late August to place the matter on the ballot. He said many cities in the County were considering this resolution this week or the next, and so were many cities throughout the State.

Mayor Brunst said he felt this was an important resolution in light of the growth projected for the area. There needed to be solid infrastructure in good condition for the future, and there needed to be a funding mechanism to pay for those roads. The local option sales tax would be a fee for those who used roads to pay for them.

Mr. Andersen said he did not think the local option sales tax funds would go to roads, and thought 40 percent would go toward Bus Rapid Transit (BRT). He believed BRT to be a money-losing program.

Mayor Brunst said the 40 percent would be for mass transit with UTA but he felt that program would be a benefit to the community.

Mr. Seastrand said he appreciated the solution the State Legislators came up with to address the issues of maintaining roads that most if not all municipalities were facing. He thought the issue had been looked at closely, and it was a reasonable solution.

Mr. Macdonald wanted to clarify that the resolution tonight was not to enact anything but was to encourage the County to allow for a vote of the people in the upcoming election.

Mr. Davidson said that was correct.

Mrs. Black **moved**, by resolution, to support the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation. Mayor Brunst **seconded** the motion. Those

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voting aye: Mr. Sumner, Mrs. Black, Mayor Brunst, Mr. Seastrand, Mr. Macdonald. Those voting nay: Mr. Andersen. The motion **passed**.

COMMUNICATION ITEMS

There were no communication items.

CITY MANAGER INFORMATION ITEMS

There were no city manager information items.

ADJOURNMENT

Mr. Andersen **moved** to adjourn the meeting. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, Brent Sumner. The motion **passed** unanimously.

The meeting adjourned at 6:38 p.m.

Donna R. Weaver, City Recorder

Approved: June 23, 2015